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PATENT  
ATTORNEY DOCKET NO.: 047714-5004-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

AUG 15 2002

TECH CENTER 1600/2900

In re Application of: )  
David PASCUAL *et al.* )  
Serial No.: 09/068,935 )  
Filed: November 23, 1998 )  
For: THERAPEUTIC AND DIAGNOSTIC )  
AGENTS FOR THE TREATMENT OF )  
MICROBIAL INFECTIONS )

Group Art Unit: 1644

Examiner: Phillip Gambel, Ph.D.

Commissioner for Patents  
Washington, D.C. 20231

REPLY TO OFFICE ACTION  
TRANSMITTAL FORM

Sir:

1. Transmitted herewith is a Reply responding to the Office Action mailed April 10, 2002. Filed concurrently is a Petition for 1 month extension of time whereby response is due August 12, 2002 (given that August 10, 2002, falls on a Saturday).
2. Additional papers enclosed.

- ☒ [ X ] Appendix to Reply, showing list of claims currently under examination.
- ☒ [ X ] Information Disclosure Statement
- ☒ [ X ] Form PTO-1449, 77 references included
- ☒ [ X ] Letter to Official Draftsperson, 5 sheets of formal drawings included
- ☐ [ ] Citations
- ☐ [ ] Declaration of Biological Deposit
- ☐ [ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.



#23

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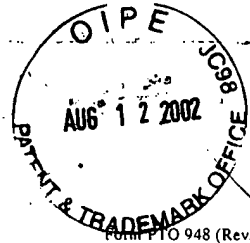
**TRANSMITTAL TO DRAFTSPERSON**

1. Transmitted herewith is a Submission of Formal Drawings in response to the Notice of Draftsperson's Patent Drawing Review dated April 9, 2002 (attachment to Paper No. 20).
2. Additional Papers Filed:
  - (i) Formal Drawings – 5 sheets (Figures 1A, 1B, 1C, 1D and 2); and
  - (ii) Copy of Notice of Draftsperson's Patent Drawing Review (Form PTO-948).
3. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 0-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **August 12, 2002**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Bonnie W. McLeod  
Registration No. 43,255



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AUG 15 2002

TECH CENTER 1600/2900

Form PTO 948 (Rev. 03/01)

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

Application No.

9/068,935

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 5-21-98 are:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:  
Black ink. Color.  
Color drawings are not acceptable until petition is granted.  
Fig(s) \_\_\_\_\_  
Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_
2. PHOTOGRAPHS. 37 CFR 1.84(b)  
1 full-tone set is required. Fig(s) \_\_\_\_\_  
Photographs may not be mounted. 37 CFR 1.84(e)  
Poor quality (half-tone). Fig(s) \_\_\_\_\_
3. TYPE OF PAPER. 37 CFR 1.84(e)  
Paper not flexible, strong, white, and durable.  
Fig(s) \_\_\_\_\_  
Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_  
Mylar, velum paper is not acceptable (too thin).  
Fig(s) \_\_\_\_\_
4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:  
21.0 cm by 29.7 cm (DIN size A4)  
21.6 cm by 27.9 cm (8 1/2 x 11 inches)  
All drawing sheets not the same size.  
Sheet(s) \_\_\_\_\_  
Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_
5. MARGINS. 37 CFR 1.84(g): Acceptable margins:  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 Size  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11  
Margins not acceptable. Fig(s) 1c, 1d  
Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_  
Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_
6. VIEWS. 37 CFR 1.84(h)  
REMINDER: Specification may require revision to correspond to drawing changes.  
Partial views. 37 CFR 1.84(h)(2)  
Brackets needed to show figure as one entity.  
Fig(s) \_\_\_\_\_  
Views not labeled separately or properly.  
Fig(s) \_\_\_\_\_  
Enlarged view not labeled separately or properly.  
Fig(s) \_\_\_\_\_
7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)  
Hatching not indicated for sectional portions of an object.  
Fig(s) \_\_\_\_\_  
Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_
8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)  
Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_
9. SCALE. 37 CFR 1.84(k)  
Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.  
Fig(s) \_\_\_\_\_
10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(i)  
Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).  
Fig(s) 2
11. SHADING. 37 CFR 1.84(m)  
Solid black areas pale. Fig(s) \_\_\_\_\_  
Solid black shading not permitted. Fig(s) 2  
Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_
12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)  
Numbers and reference characters not plain and legible.  
Fig(s) 1A-2  
Figure legends are poor. Fig(s) 1A-2  
Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)  
Fig(s) \_\_\_\_\_  
English alphabet not used. 37 CFR 1.84(p)(2)  
Fig(s) \_\_\_\_\_  
Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)  
Fig(s) \_\_\_\_\_
13. LEAD LINES. 37 CFR 1.84(q)  
Lead lines cross each other. Fig(s) \_\_\_\_\_  
Lead lines missing. Fig(s) \_\_\_\_\_
14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)  
Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) \_\_\_\_\_
15. NUMBERING OF VIEWS. 37 CFR 1.84(u)  
Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_
16. CORRECTIONS. 37 CFR 1.84(w)  
Corrections not made from prior PTO-948 dated \_\_\_\_\_
17. DESIGN DRAWINGS. 37 CFR 1.152  
Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
Solid black shading not used for color contrast.  
Fig(s) \_\_\_\_\_

COMMENTS

REVIEWER J. CHASE DATE 4-9-02 TELEPHONE NO. 703 305 8430

ATTACHMENT TO PAPER NO.

20